

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

STEPHEN GARISTO,

Plaintiff

v.

1:20-CV-0646
(JUDGE MARIANI)

CURT TOPPER, in his official
Capacity as Secretary of
Commonwealth of Pennsylvania
Department of General Services,
JOSEPH M. JACOB, in his official
Capacity as Superintendent of
Commonwealth of Pennsylvania
Bureau of Police and Safety, and
RICHARD SCHUR, individually, and in
his official capacity as Sergeant with
Commonwealth of Pennsylvania
Bureau of Police and Safety,

Defendants.

ORDER

AND NOW, THIS 12th DAY OF APRIL 2023, upon consideration of

Defendants' Motion for Summary Judgment (Doc. 27), Plaintiff's Motion for Summary
Judgment (Doc. 31), and all relevant documents, for the reasons set forth in the
accompanying Memorandum Opinion, **IT IS HEREBY ORDERED THAT:**

1. Plaintiff's Motion for Summary Judgment (Doc. 31) is **GRANTED IN PART** and
DENIED IN PART.

2. Plaintiff's Motion is **GRANTED** as to Plaintiff's First Amendment Freedom of Speech claim (see Doc. 1 ¶¶ 111-114) and **DENIED** as to Plaintiff's Due Process claim (see Doc. 1 ¶¶ 115-117).
3. Defendants' Motion for Summary Judgment (Doc. 27) is **GRANTED IN PART** and **DENIED IN PART**.
4. Defendants' Motion is **GRANTED** as to Plaintiff's Due Process claim and **DENIED** as to Plaintiff's First Amendment claim.
5. Plaintiff is awarded **nominal damages of \$1.00** based on the violation of his First Amendment rights.
6. Plaintiff is awarded the following injunctive relief:
 - a. Defendants shall not prevent Plaintiff or other speakers engaged in protected speech from protesting on the perimeter sidewalk and grassy curtilage of the Grove at the annual Pride Festival, or on comparable perimeter areas of the Festival if it is not held at the Grove unless and until
 - Plaintiff's conduct or that of other speakers engaged in protected speech disrupts or interferes with the Festival in a legally significant manner as recognized in the Third Circuit, or
 - other significant governmental interests justify moving Plaintiff or other speakers engaged in protected speech from those areas or otherwise restricting such speech in a content-neutral manner;

b. Under no circumstances shall Defendants' enforcement of Festival organizers' wishes qualify as a content-neutral basis for restricting Plaintiff's speech or that of other speakers engaged in protected speech.

7. The Clerk of Court is directed to **ENTER JUDGMENT** in favor of Plaintiff on Plaintiff's First Amendment Freedom of Speech claim.

8. The Clerk of Court is directed to **ENTER JUDGMENT** in favor of Defendants on Plaintiff's Due Process claim.

9. The Clerk of Court is directed to **CLOSE THIS CASE**.



Robert D. Mariani
United States District Judge